

Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 5, and 12 have been amended. No claims have been cancelled or added.

Therefore, claims 1-16 are presented for examination.

35 U.S.C. §102(b) Rejection

Claims 1-7 and 10-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Matoba (U.S. Patent No. 5,913,068). Applicant submits that the present claims are patentable over Matoba.

Matoba discloses a system to provide a computer which can attain both a decrease in power consumption and an increase in throughput in a multiprocessor configuration. More specifically, the system comprises a plurality of CPUs, a power supply for supplying power to the plurality of CPUs, a parallel degree switching means for changing the number of CPUs to be simultaneously operated by controlling operation/non-operation for each of the plurality of CPUs, detecting means for detecting a type of the power supply, a heat value, and a load of a CPU in operation, and control means for controlling the parallel degree in accordance with a detection result of the detection means and an operation environment setting set by a user or system software. (Matoba at col.1, ln. 60 – col. 2, ln. 10.)

Claim 1, as amended, recites:

A method of managing power generated within a computer system, the method comprising:
operating the computer system at a first central processing unit (CPU);
receiving a first signal at an operating system, the first signal generated by a thermal sensor within the first CPU;

selecting by the operating system a second CPU to receive a workload of the first CPU based on the first signal; and
resuming operation of the computer system at a second CPU.

Applicant submits that Matoba does not disclose or suggest selecting by the operating systems a second CPU to receive a workload of a first CPU based on a first signal. Matoba discloses a “parallel degree switching control software” which selects a CPU for a take-over process from other CPUs in operation. (Matoba at col. 8, ll. 12-15.) However, this is not the same as the *operating system* selecting a second CPU to receive a workload from a first CPU, as recited in claim 1 of the present application. Matoba does not disclose or suggest such a feature. Therefore, claim 1 is patentable over Matoba.

Claims 2-4 depend from claim 1 and include additional limitations. Therefore, claims 2-4 are also patentable over Mathoba.

Claim 5, as amended, recites:

A computer system comprising:
a first central processing unit (CPU); and
a second CPU, wherein an operating system transfers the operation of the computer system from the first CPU to the second CPU upon the first CPU reaching a predetermined power threshold.

As discussed above, Matoba does not disclose or suggest an *operating system* transferring the operation of a computer system from a first CPU to a second CPU upon the first CPU reaching a predetermined power threshold. Therefore, claim 5 is patentable over Matoba for the reasons discussed above with respect to claim 1. Claims 6-7 and 10-11 depend from claim 5 and include additional limitations. As a result, claims 6-7 and 10-11 are also patentable over Matoba.

35 U.S.C. §103(a) Rejection

Claims 8, 9 and 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matoba (U.S. Patent No. 5,913,068), in view of Applicant's Admitted Prior Art (AAPA). Applicant submits that the present claims are patentable over Matoba in view of AAPA.

Independent claims 5 and 12 both disclose an *operating system* selecting or transferring the operation of a first CPU to a second CPU upon the first CPU reaching a pre-determined power threshold. As discussed above, Matoba does not disclose or suggest such a feature. Nor does the AAPA disclose or suggest such a feature. Therefore, Matoba and AAPA, individually or in combination, do not disclose or suggest an *operating system* selecting or transferring power from a first CPU to a second CPU upon the first CPU reaching a pre-determined power threshold. Accordingly, claims 5 and 12 are patentable over Matoba in view of AAPA. As claims 8-9 and 13-16 depend from claims 5 and 12, respectively, and include additional limitations, claims 8-9 and 13-16 are also patentable over Matoba in view of AAPA.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

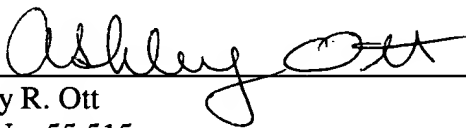
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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